REMARKS

Claims 1, 4, 11, 14-17, 21, and 25-27 have been amended, and claims 31-32 have been added. Upon entry of the amendment, claims 1, 3-11, and 13-32 will be pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Interview summary:

On October 8, 2009, Applicant's agent, Anthony M. Petro (Reg. No. 59,391) conducted a telephone interview with the Examiner in which the general features of claim 1 were discussed. The Examiner suggested modifying the claim to render its features more clear, and indicated that he would reconsider the rejection upon entry of a clarifying amendment. Applicant has amended the independent claims as discussed with the Examiner, and asserts that the application should now be in condition for allowance. If further issues of patentability remain upon consideration of this amendment, Applicants earnestly request that the Examiner contact their representative at (512) 853-8883 prior to taking further action in the case.

Double Patenting Rejection:

The Office Action rejected claims 9, 10, 19, 20, 29 and 30 of 10/670,549 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 11, 20, 30, 47 and 56 of co-pending Application no. 10/670,849, claims 9, 10, 19 and 20 of 10/670,549 over claims 9, 18, 28 and 37 of 10/670,849, and claims 8 and 18 of 10/670,549 over claims 12 and 26 of 10/670,550. Applicant notes the provisional rejection and will address it when and if it should become non-provisional.

Section 103(a) Rejection:

The Office Action rejected claims 1, 5-7, 9-12, 15-17, 19-22, 25-27, 29 and 30 as allegedly being unpatentable over McDowell et al. (U.S. Publication 2002/0035605) (hereinafter McDowell) in view of Knauerhase et al. (U.S. Publication 2003/0104819) (hereinafter Knauerhase) and in further view of Doss et al. (U.S. Publication 2008/0065461) (hereinafter Doss), claims 1, 4, 5, 7, 8, 11, 18, 21 and 28 as allegedly being unpatentable over Horvitz (PCT Application WO 01/69387) in view of Knauerhase, claims 3, 13 and 23 as allegedly being unpatentable over McDowell and Knauerhase in view of Heinonen et al. (U.S. Patent 6,785,530) (hereinafter Heinonen), and claims 4, 14 and 24 as allegedly being unpatentable over McDowell in view of Knauerhase and Coan et al. (U.S. Patent 7,120,424) (hereinafter Coan). While Applicant respectfully traverses these rejections, in an effort to expedite issuance of a patent, Applicant has amended the independent claims to increase their clarity. For at least the following reasons, Applicant submits that rejection of the amended claims would not be supported by the cited references.

Applicant notes that amended claim 1 is directed to a computer-implemented method that involves determining, at a particular time, whether a current presence state of an instant messenger client corresponds to an activity status indicated by schedule information corresponding to a given user. The current presence state indicates an IM presence status of the given user, and the schedule information is stored by a calendar application. Further, the activity status includes a corresponding event title that is specifically descriptive of the given user's activity at the particular time.

In response to determining that the current presence state does not correspond to the activity status indicated by the schedule information, claim 1 includes automatically assigning and storing a different presence state for the given user. After the different presence state is assigned, the different presence state is indicated by the IM client as the given user's current presence state.

Moreover, the different presence state includes at least a portion of the corresponding even title included in the activity status. Thus, <u>the different presence state indicated by the instant messenger client</u> is descriptive of the given user's activity at the particular time <u>according to the schedule information stored by the calendar application</u>.

In rejecting claim 1, the Office Action acknowledges that neither McDowell nor Knauerhase disclose an activity status that includes a corresponding event title, where the different presence state is indicative of at least a portion of the event title, and relies upon Doss to disclose this feature. Office Action at 5. However, Doss differs from claim 1 in at least two respects.

First, Doss is specifically directed towards <u>updating calendar information</u> in response to input from some other application (e.g., "updating the user's calendar to reflect the changed working status"). Doss at [0032]. More specifically, Doss states that one way in which "calendar events may be updated is <u>in response to</u> input from a status-aware application," such as an IM client. *Id.* at [0059]. Thus, Doss discloses how calendar information is updated in response to IM status information.

But this is <u>completely the opposite</u> of what claim 1 requires. That is, claim 1 clearly recites that it is the <u>presence state of the IM client</u> that is changed <u>in response to</u> determining that the presence state does not correspond to the schedule information. Thus, in claim 1, the schedule information is an input variable that determines whether the presence state information changes. By contrast, Doss does not disclose that IM presence state changes; instead, Doss treats presence state as an input variable that determines whether the calendar changes.

Second, Doss fails to disclose that an assigned difference presence state includes at least a portion of a corresponding event title that is included in an activity status, such that <u>the different presence state indicated by the IM client</u> is descriptive of the given user's activity according to <u>the schedule information of the calendar application</u>. That is,

claim 1 requires that at least a portion of the title indicated by the schedule information form a part of the different presence state that is indicated by the IM client.

Doss does not suggest this sort of crossover of data between calendar information and IM presence state. Doss states that "[a] drop-down list may be activated by the user to change her IM status." *Id.* at [0059]. This strongly suggests that the specific options that are available to be assigned as the IM presence state are limited to what is on the list. In any event, Doss makes no mention of the possibility that the IM presence state might be in some way derived from calendar information.

Applicant notes that the features discussed above are also absent from the remaining cited references. In particular, Applicant notes that Horvitz fails to disclose a different presence state that includes at least a portion of an event title included in schedule information.

Similar arguments apply to independent claims 11 and 21, which have been amended to recite features similar to claim 1. Accordingly, Applicant submits that the cited references would fail to support rejection of independent claims 1, 11, and 21.

Newly added dependent claims 31 and 32 also lack support in the cited references. In particular, claim 31 recites that the activity status corresponds to a scheduled event, and further recites storing the current presence state as a stored presence state prior to automatically assigning the different presence state, and in response to detecting that the scheduled event has ended, restoring the stored presence state such that subsequent to the restoring, the stored presence state is indicated by the instant messenger client as the given user's current presence state. Applicant is unable to identify language in the cited references that discloses the storing and restoring of presence state in the recited manner.

Applicant submits that the rejections of other ones of the dependent claims are unsupported for additional reasons. However, because rejection of the amended

independent claims would be unsupported by the cited references, further discussion of the dependent claims is unnecessary at this time.

CONCLUSION

Applicants submit the application is in condition for allowance, and an early notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-69800/RCK.

Respectfully submitted,

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